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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,

Plaintiff,

v.

Samuel Rappylee Bateman, et al.,

Defendants.

Case No. CR-22-08092-PCT-SMB

**MOTION TO EXTEND DISCOVERY
DEADLINE FOR *PRO SE* JAIL
COMMUNICATIONS**

The United States moves the Court to extend the government's March 8, 2024 deadline for initial compliance with Rule 16 discovery only as it relates to the jail communications of *pro se* defendant Josephine Barlow Bistline. (*See* Doc. 294.)

As the United States previously notified the Court and the defendants, it has implemented a process for review of *pro se* defendants' jail communications by AUSAs and investigators not on the trial team (the "review team"). (*See* Docs. 229, 351.) As part of this process, the review team initially discloses the jail communications only to the defendant who made the communications. The defendant is then afforded 45 days to notify the review team if the defendant believes any communication contains legally privileged

1 content or legal strategy and therefore should not be disseminated to the prosecution team
2 and other defendants.

3 Consistent with this process, jail communications for *pro se* defendant Josephine
4 Barlow Bistline were disclosed to her through advisory counsel on February 7, 2024 and
5 February 28, 2024, and additional disclosures are anticipated. These disclosures together
6 contained more than 2,000 files. Although the available communications have been or will
7 be disclosed to defendant Barlow Bistline herself by the March 8, 2024 discovery deadline,
8 the materials will not be available to the prosecution team or the other defendants until
9 defendant Barlow Bistline has had 45 days to object to their disclosure and any disputes
10 are resolved.

11 Accordingly, the United States moves to extend the discovery deadline for
12 defendant Barlow Bistline's jail communications until her 45-day objection window has
13 expired and, if necessary, any disputes have been resolved. There is good cause for an
14 extension to accommodate the review process and to ensure that defendant Barlow Bistline
15 has sufficient time to review the jail materials before they are provided to the prosecution
16 team and other defendants. The other defendants will not suffer prejudice from an
17 extension because this request pertains to a narrow category of materials, the government
18 will promptly disclose the materials upon completion of the review process, and trial is not
19 scheduled to begin until September 10, 2024.

20 Respectfully submitted this 1st day of March, 2024.

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District of Arizona

24 s/ Jillian Besancon
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CERTIFICATE OF SERVICE

I hereby certify that on this same date, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrant(s):

Myles Schneider
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1 I further certify that participants in this case are not registered CM/ECF users. I
2 have mailed the foregoing document by regular First-Class Mail, postage prepaid, for
3 delivery, to the following non-CM/ECF participants:

4
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19 s/ Stephanie Ludwig
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